

**REMARKS/ARGUMENTS**

Claims 1-19 are currently pending in this application. Claims 1-13 were withdrawn from consideration pursuant to the Amendment filed December 23, 2005 in response to a Restriction Requirement.

**Request for Withdrawal of the Finality of the Office Action**

The Applicant respectfully requests that the Examiner withdraw the finality status of the outstanding Office Action because a Request for Continued Examination is filed concurrently herewith.

**Claim Rejections - 35 U.S.C. §103(a)**

Claims 14, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,519,464 to Santhoff et al. (hereafter Santhoff) in view of U.S. Patent No. 6,546,257 to Stewart (hereafter Stewart). The Applicant respectfully disagrees.

Further to the arguments presented in reply to the September 23, 2005 Office Action, claim 14 of the present application recites a wireless transmit/receive unit (WTRU) having a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network base station. The receiver is further configured to receive signals from the selected target-WTRU, and to perform measurements to determine the location of the selected target-WTRU based on the received requests as well as the received signals. Santhoff discloses as follows:

...at least one initial request is transmitted from a first mobile wireless device having an undetermined/unknown geographic location to fixed position wireless devices having known geographic locations (e.g., such as base stations and/or transmission towers) for positioning

information for determining a geographic location of the first mobile wireless device. (See Santhoff, column 3, lines 43-49, cited by the Examiner.)

Santhoff clearly discloses transmitting a request from a first mobile wireless device having an unknown geographic location to a fixed position wireless device having a known geographic location, such as a base station.

In contrast, claim 14 of the present application recites a WTRU having a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network base station. Therefore, the claimed invention is distinguished from the teaching of Santhoff in that the claimed invention is a WTRU that receives position requests sent from the wireless base station, not the selected target-WTRU (i.e., the mobile wireless device having unknown/undetermined location), as is taught by Santhoff.

The Examiner opines that Stewart discloses the claimed limitation of a WTRU comprising a memory for storing the number of instances where positioning information is provided for account credit verification. While Stewart may be viewed as disclosing a memory for storing account related information, the memory of Stewart is located in a base station, not a WTRU (i.e. a mobile unit). More specifically, Stewart discloses:

[Base] Station 17 ... may maintain user account information in one of the databases and credit an account associated with the identification of the portable unit based on having received location information from the portable unit. (See Stewart, column 12, lines 7-10.)

Stewart further discloses:

In this manner, the cost of operating a mobile unit can be paid in whole or in part by merchants which pay the operator of base station 17 to provide their promotional information or identification to particular users as described herein. The more location information provided to base station 17 by a portable unit, the more accurate and complete the determination of the repeated travel patterns becomes

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and hence more correctly targeted promotional information can be provided to a user. (See Stewart, column 12, lines 16-23.)

Stewart discloses crediting the account of a mobile unit when the mobile unit provides its own location to a base station. Whereas in the present invention, the account of a WTRU is credited when the WTRU participates in cooperative positioning by providing location information of a second, target-WTRU. Accordingly Stewart does not disclose or even consider the cooperative nature of the present invention.

For the reasons presented above, Applicant submits that claim 14 is patentable over Santhoff in view of Stewart. Claims 1-19 depend from claim 14, and are therefore also patentable over Santhof in view of Stewart for the same reasons presented above. Applicant therefore respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 14, and 16-19.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Santhoff in view of Stewart and further in view of U.S. Patent No. 6,1469,497 to Robert (hereafter Robert). Claim 15 is dependent upon claim 14, discussed above.

The Examiner cites Robert as teaching a switch for enabling and disabling the ability of a WTRU to respond to positioning requests received from the system. However, Applicant respectfully submits that, for the reasons presented above, the pending claims are patentable over the combination of Santhoff and Stewart. Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claim 15.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this

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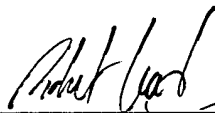
application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 14-19, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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By



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